

# MINUTES OF THE MEETING OF THE BOARD OF MASSAGE THERAPY

April 17, 2015

These minutes were  
approved by the Board on  
June 19, 2015

## 1. ROLL CALL

The meeting of the Board of Massage Therapy was called to order by Hupka, Chairperson, at 9:27 a.m. in the Lower Level Conference Room A, Nebraska State Office Building, Lincoln, Nebraska. Copies of the agenda were mailed to the Board members and other interested parties in accordance with the Open Meetings Law.

Members Present:	Kim Adams Johnson	-	Vice-Chairperson
	Brian Allison	-	Secretary
	Keli Hupka	-	Chairperson
	Adele Schmidt	-	Member
Others Present:	Ed Vierk, Assistant Attorney General		
	Russ Fosler, Investigator		
	Dennis Scott, Investigator		
	Jessica Bowman, Investigator		
	Mendy Mahar-Clark, Investigator		
	Kris Chiles, Program Manager, Licensure Unit		
	Nancy Herdman, Health Licensing Coordinator, Licensure Unit		

## 2. ADOPTION OF AGENDA

**MOTION:** Adams Johnson moved, seconded by Allison, to adopt the agenda. A roll call vote was taken. Voting aye: Adams Johnson, Allison, Hupka, Schmidt (4). Voting nay: None (0). Absent: None (0). Motion carried.

## 3. APPROVAL OF MINUTES (2-13-15)

**MOTION:** Adams Johnson moved, seconded by Schmidt, to approve the minutes of February 13, 2015. A roll call vote was taken. Voting aye: Adams Johnson, Allison, Hupka, Schmidt (4). Voting nay: None (0). Abstain: None (0). Absent: None (0). Motion carried.

## 4. INVESTIGATIVE REPORTS & OTHER CONFIDENTIAL INFORMATION – CLOSED SESSION

**MOTION:** Schmidt moved, seconded by Adams Johnson, to enter into closed session at 9:30 a.m. to hear discussions of an investigational/confidential nature for the prevention of needless injury to the reputation of the individuals. A roll call vote was taken. Voting aye: Adams Johnson, Allison, Hupka, Schmidt (4). Voting nay: None (0). Absent: None (0). Motion carried.

10:05 a.m. - Fosler, Scott, Bowman, Mahar-Clark departed meeting

**MOTION:** Adams Johnson moved, seconded by Allison, to enter into open session at 10:11 a.m. A roll call vote was taken. Voting aye: Adams Johnson, Allison, Hupka, Schmidt (4). Voting nay: None (0). Absent: None (0). Motion carried.

## 5. REVIEW AND RECOMMENDATIONS – OPEN SESSION

- Applications, Reinstatements, Out-of-State Training Programs

### Shana Hollimon

**MOTION:** Adams Johnson moved, seconded by Allison, to recommend offering a 6 month probationary massage therapist license, to include the standard terms and conditions and the following: jurisprudence examination. A roll call vote was taken. Voting aye: Adams Johnson, Allison, Hupka, Schmidt (4). Voting nay: None (0). Motion carried.

## **6. UNFINISHED BUSINESS**

### **a. Summary of Work Session Discussion Relating to Considering Auditing Existing School Curriculums for Compliance with Regulations and Audit Format**

Chiles developed a draft renewal form to be sent to massage schools and included questions that were discussed at the work session. Schmidt suggested eliminating the boxes and state in the instructions that they could answer the questions on a separate piece of paper. Schmidt also suggested including the website.

10:20 - Teresa Hampton, Department attorney, entered meeting

Schmidt suggested the statute citation for the UCA be placed in the document. It was agreed that as an alternative the massage therapy web page address would be included on the form. Chiles stated she would e-mail the revised draft to the members and asked them to submit any suggested changes within 30 days.

### **b. Other**

Schmidt asked if a response had been sent to Higher Brain Living and Chiles responded that it had been sent. Chiles reported Dr. Cotton had inquired as to how to seek a declarative ruling but, to date, there has been no further communication from Higher Brain Living since that conversation.

Schmidt asked about animal therapists. Chiles reported the regulations had been approved. Schmidt wanted to know if this Board would receive any information on who was granted a license. It was noted that animal therapists would be licensed by the Veterinary board. Schmidt suggested there be some kind of link on the website to that board.

10:36 a.m. - 1 public person entered the meeting

## **7. NEW BUSINESS**

### **a. Correspondence**

Adams Johnson reported she had spoken with Debbie from Omaha School of Massage Therapy and HealthCare of Herzing University who wanted to know if it was appropriate to invite the Board to their 50<sup>th</sup> anniversary. Schmidt was concerned about all the members being at the celebration and if it would be viewed as a Board meeting. Hampton responded it should not be a problem as long as the members declined to respond to Board related inquiries. She stated it was similar to a situation where all Board members might attend a continuing education event but they were not there in an official Board capacity.

10:38 a.m. - Vierk departed meeting

### **b. Other**

Chiles reported there were no legislative bills that the Department was tracking that had any relevance for massage therapy. She reported that a bill passed that requires fingerprinting of all applicants for a nursing license and there had been some speculation that fingerprinting could be required in the future for other professions. It was discussed that this requirement increased the work of the State Patrol and the FBI. Hampton commented that there was new scanning equipment that would be of some help.

10:44 a.m. - Vierk entered meeting

Adams Johnson stated she had seen that there was some type of bill dealing with ADA. Hampton responded the bill (LB 369) proposes to amend the Uniform Credentialing Act by providing additional options

to limit the credentials of an applicant or credential holder and is intended to authorize the agency to use alternative procedures regarding practice impairments. The bill is in committee.

## **8. UPDATES AND REPORTS**

### **a. Nebraska Chapter of AMTA**

There was no new information to report.

### **b. Federation of State Massage Therapy Boards (FSMTB)**

Chiles reported she had received the invoice for annual membership and the base fee was \$500 plus 40 cents for each licensee and Nebraska's total cost was \$1082.49. Also, the current Board member names and terms were provided.

FSMTB provided Year in Review highlights that included:

- Expanded and realigned our executive office staff.
- Delivered the Model Practice Act.
- Supporting the request from member boards and working towards a valuable continuing education program for licensure renewal.
- Continued research and development of the Massage Therapy Licensing Database.
- Conversion to a Computer Adaptive Testing platform for enhanced security of the MBLEx.
- Creation of Standards for Continuing Education.
- Hosted another successful annual meeting.
- Ongoing state and federal legislative and rule tracking.
- Participating in professional development conferences, regulatory and psychometric meetings and massage and bodywork professional industry events.
- Reached a settlement agreement with the Academy of Oriental Therapy LLC, resolving the litigation filed by FSMTB.
- Announced, in conjunction with the National Certification Board for Therapeutic Massage and Bodywork, that NCBTMB will no longer provide examinations for licensure purposes making the MBLEx the only licensure examination for the profession.

10:52 a.m. - Vierk departed meeting

Chiles reported she had checked on testing sites and Pearson Vue had sites in North Platte, Lincoln and Omaha in Nebraska. Additionally, some sites in other states included Hays, Kansas; Sioux City, Iowa; Sioux Falls, South Dakota; Topeka, Kansas; Greenwood Village, Colorado; Westminster, Colorado; and Wichita, Kansas.

### **c. National Certification Board for Therapeutic Massage & Bodywork (NCBTMB)**

There was no new information to report.

### **d. Statistics: Examination / Licensing / Administrative Penalties / Renewals / Disciplinary and Non-Disciplinary Information**

Chiles reported the following examination information:

- Jurisprudence - probation 1 pass
- Jurisprudence - CEU 1 pass
- Jurisprudence – reciprocity 13 pass, 2 fail
- MBLEx 17 pass

Chiles reported the following regarding active licenses:

- Temporary Massage Therapist 1
- Massage Establishments 595
- Massage Therapists 1456
- Schools 5

Chiles reported the following disciplinary actions:

- 2 probation
- 2 civil penalties

Chiles reported she received a call yesterday inquiring about opening a school.

**e. Other**

The members agreed to schedule a work session on 6-5-15 from 9:00 a.m. to 1:00 p.m. to work on the draft regulations (Chapter 81).

The public person asked the Board if they wanted to know pass rates on examinations of their students and the number of clinical hours the school required. This person stated schools make money on clinical hours and wondered about exploitation.

Since it appeared the discussion was going back to agenda Item 6a, the members agreed to take a break and then return to Item 6a.

11:05 a.m. - Break  
11:14 a.m. - Meeting resumed

**6. UNFINISHED BUSINESS**

**a. Summary of Work Session Discussion Relating to Considering Auditing Existing School Curriculums for Compliance with Regulations and Audit Format**

The Board continued discussion of Item 6a. Adams Johnson commented that there was no specification in the current regulations regarding clinical hours. Chiles suggested looking at clinical hours when the Board reviews the regulations. Schmidt suggested asking a question about where the school puts their clinical hours. It was agreed the renewal form would include a question about the number of clinical hours the school requires and what areas of study do they fall under.

**9. ADJOURNMENT**

There being no further business, Hupka declared the meeting of the Board of Massage Therapy adjourned at 11:34 a.m.

Respectfully Submitted,

---

Brian Allison, Secretary  
Board of Massage Therapy

Minutes completed by Nancy Herdman, Health Licensing Coordinator